
Public Utilities Commission of the State of California

Public Agenda 3041
Thursday, June 22, 2000, 10 a.m.
San Francisco, California

Commissioners
Loretta M. Lynch, President
Henry M. Duque
Josiah L. Neeper
Richard A. Bilas
Carl W. Wood

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings **505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) Closed to the Public	<i>Commission Meeting</i> Auditorium (10 a.m.) Open to the Public
Monday, June 19	Thursday, June 22
Monday, July 3	Thursday, July 6
Monday, July 17	Thursday, July 20
Monday, July 31	Thursday, August 3
Tuesday, September 5	Thursday, September 7

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered. A "✓" next to the date indicates that the meeting will be held. A "✓" next to the item number on the Agenda indicates that the matter will be considered during the Ratesetting Deliberative Meeting.*

A "◆" next to the item number on the Agenda indicates that the matter may be considered during Closed Session pursuant to Public Utilities Code Section 1701.2(c); thereafter the Commissioners will reconvene in Public Session to vote on the item.

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
- CA-20, 3

CONSENT AGENDA

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

ORDERS AND RESOLUTIONS

- CA-1** **Res TL-18934** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2** **Res ALJ-176-3041** - Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
- CA-3** **C99-11-004 - Jerry H. Maxwell vs. GTE California, Inc. and Southern California Edison Company.**
This decision dismisses the complaint for failure to state a cause of action. This proceeding is closed.
(Com Wood - ALJ O'Donnell)
(Section 311(g)(1))

- CA-4 A89-03-026 - Southern California Edison Company (Edison).**
For a certificate of public convenience and necessity to construct and operate a 220 kV Double-Circuit Transmission Line between the Kramer Substation and the Victor Substation in San Bernardino County. This decision adopts a Settlement Agreement between Edison and The Utility Reform Network. Edison is ordered to credit \$2.15 million of the Kramer-Victor costs to ratepayers. Any monies Edison receives from the Luz International Limited bankruptcy proceeding shall be credited 50% to ratepayers. This proceeding is closed.
(Com Duque - AL Stalder)
(Section 311(d))
- CA-5 A98-05-019 - San Diego Gas & Electric Company (SDG&E).**
For authority to (i) increase its authorized return on common equity, (ii) adjust its existing ratemaking capital structure, (iii) adjust its authorized embedded costs of debt and preferred stock, (iv) decrease its overall rate of return, and (v) revise its electric distribution and gas rates accordingly, and for related substantive and procedural relief. A98-05-021, A98-05-024 - Related matters. This decision awards intervenors Ronald L. Knecht and Raymond Czahar \$48,129.08 for their substantial contribution to D99-06-057. These proceedings are closed.
(Com Duque - ALJ Ryerson)
(Section 311(g)(1))
- CA-6 C99-10-033 - David W. Crain (Complainant) vs. Southern California Gas Company, San Diego Gas & Electric Company (SDG&E), and Sempra Energy (Joint Defendants).**
In October 1999, the Complainant, a former employee of SDG&E, filed a complaint alleging multiple causes of action against Joint Defendants bottomed on their 1992 payments to a Mexican governmental relations firm and a Mexican law firm. Assuming the factual allegations in the complaint to be true, the Commission finds that Complainant cannot prevail as a matter of law, and grants Joint Defendants' motion to dismiss the complaint. It does so without prejudice to re-filing it, in amended form, at a later time. This proceeding is closed.
(Com Wood - ALJ Biren)
(Section 311(g)(1))

- CA-7** **A00-03-033 - San Francisco Thermal, Limited Partnership (SFTLP), North American Thermal Systems, Limited Liability Company, NRG Energy, Inc., NRG San Francisco Thermal, Inc., NRG Energy Center San Francisco LLC and NRG Thermal Corporation.**
For authority to transfer ownership and control of SFTLP to NRG Energy Center and Thermal. Granted. This proceeding is closed.
(Com Duque - ALJ Walker)
- CA-8** **A00-03-048 - Southern California Edison Company.**
For authority to lease available land on the Laguna Bell-Lighthipe transmission line right of way to CT Self Storage Fund, LLC. Granted. This proceeding is closed.
(Com Wood - ALJ Walker)
- CA-9** **A00-03-046 - Southern California Edison Company (SCE).**
For authority to lease available land on the West Lugo-Mira Loma transmission line right of way to Secured Equities Corporation. Granted. This proceeding is closed.
(Com Wood - ALJ Walker)
- CA-10** **A98-11-023 - Pacific Gas and Electric Company (PG&E).**
To establish performance-based ratemaking (PBR) for electric and gas utility distribution service effective January 1, 2000. This decision grants PG&E's petition to withdraw this application and to consider PBR matters still unresolved in its next PBR application. This proceeding is closed.
(Com Duque - ALJ Barnett)
- CA-11** **A00-02-032 - Orlinda Ann Stocking and Elmer E. James, a California Partnership, dba Door to Door Outreach.**
This decision grants Orlinda Ann Stocking and Elmer E. James' request to operate as a passenger stage corporation between points in the cities of Los Angeles, Blythe and San Diego, on the one hand, and State Prisons or Casinos in Blythe, Lakeside, Alpine, El Cajon and San Diego, on the other hand. This proceeding is closed.
(Exam Koss)

- CA-12** **A00-03-006 - Blue & Gold Fleet, L.P.**
For a certificate of public convenience and necessity authorizing scheduled common carrier service by vessel in the transportation of passengers and their baggage, including bicycles, between Sausalito and Tiburon. Granted. This proceeding is closed.
(Com Bilas - ALJ Rosenthal)
- CA-13** **A00-02-012 - USA Shuttle Service, Inc.**
For authority to amend its certificate of public convenience and necessity as a passenger stage corporation to provide on-call service via the most convenient streets and highways between all points in Alameda, Contra Costa, San Francisco, San Joaquin, San Mateo, Santa Clara, and Solano Counties, the cities of Maxwell and Williams in Colusa County, the cities of Belvedere, Corte Madera, Fairfax, Greenbrae, Kentfield, Larkspur, Marin City, Mill Valley, Novato, Ross, San Anselmo, San Quentin, San Rafael, Sausalito and Tiburon in Marin County, the cities of Carmel by the Sea, Carmel Valley, Castroville, Del Rey Oaks, Marina, Monterey, Pacific Grove, Salinas, Sand City and Seaside in Monterey County, the cities of American Canyon and Napa in Napa County, the city of Sacramento in Sacramento County, the cities of Petaluma and Sonoma in Sonoma County, the city of Yuba City in Sutter County, and the city of Marysville in Yuba County, on the one hand; and Oakland, Sacramento, San Francisco, and San Jose International Airports, on the other hand. Granted. This proceeding is closed.
(Exam Koss)
- CA-14** **C99-04-037 - George M. Sawaya vs. Pacific Bell and Sprint Communications Company.**
This decision grants George M. Sawaya an award of \$8,199.80 in compensation for his contribution to D00-04-058. This proceeding is closed.
(Com Bilas - ALJ DeUlloa)
- CA-15** **Res G-3285 - Southwest Gas Corporation (SW Gas).**
This resolution approves SW Gas' requested new memorandum account for gas line extensions, Applicant Installation Inspection Memorandum Account.
(Advice Letter 598, filed September 15, 1999)

CA-16 A00-02-011 - Edward J. Nessinger, dba Nessco Water Co. (Nessco) and Altos Sonoma Corporation (Altos Sonoma), dba Penngrove Water Company (Penngrove).

This decision authorizes Nessco to sell and Altos Sonoma to purchase certain of Nessco's water system assets. Following the transaction Altos Sonoma would assume Nessinger's public utility obligations and provide water service to former Nessco customers under Penngrove's rates and tariffs. Further, Penngrove is authorized to provide water without charge to two parcels in Nessco's service area as consideration for the purchase in lieu of including the nominal purchase price in rate base for future ratemaking. This proceeding is closed.

(Com Duque - ALJ McVicar)

CA-17 A00-04-011 - Avista Corporation.

For an order exempting its securities issuance transactions from Commission authorization pursuant to Sections 829 and 853 of the Public Utilities Code. Granted. This proceeding is closed.

(Com Duque - ALJ Walker)

CA-18 199-06-036 - Order Instituting Investigation into Commonwealth Energy Corporation's operations and practices in connection with providing service as an electricity service provider under Registration No. 1092.

This decision extends the statutory deadline for completing this adjudicatory proceeding pursuant to Public Utilities Code Section 1701.2(d).

(Com Lynch - ALJ O'Donnell)

CA-19 A00-01-015 - Pacific Gas and Electric Company (PG&E).

For approval of its electric rate design proposals for its test year 2000 rate design window proceeding. A99-09-055 - Related matter. This decision affirms that for PG&E: 1) the Economic Stimulus Rate credit expires at the end of the electric rate freeze, and 2) that franchise fees for electric commodity are to be directly allocated to the electric commodity charge commencing at the end of the rate freeze. These proceedings are closed.

(Com Lynch - ALJ Barnett)

- ◆CA-20 **C98-01-032 - Eric Diesel vs. Pacific Gas and Electric Company (PG&E).**
Eric Diesel timely filed an Appeal and a Supplement, alleging legal error in certain of the Presiding Officer's Decision (POD) determinations; challenging two Findings of Fact and three Conclusions of Law; and contending that the POD went beyond the scope of his complaint thereby depriving him of due process. PG&E timely replied, citing the extensive complaint, PG&E's extensive answer, and the case transcript with a point-by-point rebuttal; PG&E asks that the POD be affirmed in all respects, and the Appeal rejected. The POD has been expanded by addition of a discussion of the appeal issues and the reasons for rejecting the allegations. The POD has been revised to add a Conclusion of Law finding no merit in the Appeal. This proceeding is closed.
(Com Duque - ALJ Weiss)
- CA-21 **Res W-4204 - California-American Water Company (Cal-Am), Coronado District.**
This resolution authorizes an offset increase in rates, producing \$636,263; a surcharge to recover an undercollection of \$432,642 in its balancing account; and a surcharge to recover the remainder in its Drought Memorandum Account of \$93,986, for an overall increase of \$1,162,891 or 11.46% in additional annual revenue.
(Advice Letter 535-A, filed June 1, 2000)
- CA-22 **Res W-4203 - Hillview Water Company (HWC).**
This resolution grants HWC's request for implementation of mandatory conservation.
(Advice Letter 62-A, filed June 2, 2000)
- CA-23 **A00-03-031 - Yipes Transmission, Inc.**
For certificate of public convenience and necessity to provide limited facilities-based and resold competitive local exchange services. Granted. This proceeding is closed.
(Com Wood - ALJ O'Donnell)

- CA-24** **A00-02-006 - Primus Telecommunications, Inc.**
For a certificate of public convenience and necessity to provide switched and dedicated, resale and facilities-based, local exchange telecommunications services. Granted. This proceeding is closed.
(Com Wood - ALJ O'Donnell)
- CA-25** **Res TL-18932 - Resolution amending the passenger stage corporation certificate of Airporter, Inc., dba Airportride.Com. to authorize reservation-only service to Ihop/Flamingo Shell.**
- CA-26** **Res W-4202 - San Jose Water Company (SJWC).**
This resolution authorizes an offset rate increase producing \$2,100,316 or 1.99% additional annual revenue.
(Advice Letter 321, filed May 15, 2000)
- CA-27** **I99-04-023 – Investigation into Accutel Communications, Inc., dba Florida Accutel Communications, Inc.**
This decision extends the statutory deadline imposed by Public Utilities Code Section 1701.2(d).
(Com Bilas - ALJ DeUlloa)
- CA-28** **R95-01-020 - Rulemaking on the Commission's own motion into universal service and to comply with the mandates of Assembly Bill 3643. I95-01-021 - Related matter.**
This decision denies the petition to modify D96-10-066 jointly filed by MCI Telecommunications Corporation (MCI) and Sprint Communications Company L.P. (Sprint). In their petition, MCI and Sprint sought to modify D96-10-066 to clarify that the requirement in the decision for local exchange carriers (LECs) to offer a choice of flat-rate or measured-rate local service applies only to LECs that receive money from one of the universal service funds.
(Com Neeper - ALJ Kenney)
(Section 311(g)(1))
(Agenda 3040, Item CA-11, 6/8/00; Req - Commission)

- CA-29** **A99-11-012 - Alameda Corridor Transportation Authority (ACTA).**
This decision grants ACTA's request to widen the Downey Road grade separation. Time is of the essence in approving this request in order to coordinate this project with the entire Alameda Corridor reconstruction presently underway. This proceeding is closed.
(Com Bilas - ALJ Bennett)

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

- H-1** **A98-11-003 - Southern California Water Company (SCWC).**
For a Certificate of Public Convenience and Necessity (CPCN) pursuant to California Public Utilities Code Section 1001 to extend its West Orange County System to the Bolsa Chica Planned Community. A98-11-015 - Related matter. This decision finds that while the City of Huntington Beach is “able,” it is not “ready and willing” at this time to provide the needed water and sewer services for the developer of a planned residential community to be built on a segment of an unincorporated area of Orange County called Bolsa Chica even though the City surrounds the area on three sides, thus leading the developer to contract with SCWC for the services. This decision grants SCWC’s request for a CPCN to make a non-contiguous extension of SCWC’s local district to include the development, provide water and sewer services, and to construct a 6.75 mile underground 18 inch pipeline to transport water from the district to the development. It approves SCWC’s proposed rates as just and reasonable. As the Lead Agency under CEQA for the “pipeline” project, it relates that the Commission has conducted the requisite CEQA environmental review, and following issuance of a draft Supplemental Environmental Impact Report (SEIR) received and considered comments before issuing the Commission’s Final SEIR. This Final SEIR identifies significant environmental effects and mitigation requirements where feasible, examines and evaluates alternate routes, before concluding that the specific overriding economic, legal, social, technological and other benefits of the project outweigh the significant unmitigated impacts. Finally, it finds that the Final SEIR complies with CEQA and represents the Commission’s independent judgment, this decision certifies the Final SEIR. These proceedings are closed.
(Com Duque - ALJ Weiss)
(Section 311(d))
(Agenda 3038, Item 4, 5/4/00; Agenda 3039, Item H-7, 5/18/00; Req - Commission)

- H-2 A92-07-054 - Michael S. Mitchell, Bruce P. Hector, Mickey's Space Ship Shuttle.**
For a certificate of public convenience and necessity to operate as a passenger stage service between certain portions of Los Angeles County and Orange County and Los Angeles International Airport (LAX) and Orange County's John Wayne International Airport (SNA). A97-11-006, A98-03-035 - Related matters. This decision approves three applications to establish new scheduled and on-call passenger stage services between LAX and SNA, on the one hand, and other points in Orange County, on the other hand.
(Com Bilas - ALJ Ryerson)
(Section 311(d))
(Agenda 3040, Item CA-10, 6/8/00; Req - Commission)
- H-3 R98-09-005 - Order Instituting Rulemaking on the Commission's own motion to consider modifications to the Universal Lifeline Telephone Service (ULTS) Program and General Order (GO) 153.**
This decision adopts the following revisions to the ULTS program and GO 153. First, GO 153 is revised to incorporate all changes to the ULTS program that have occurred since GO 153 was issued in 1984. Second, the ULTS program is revised to conform with specific aspects of the Federal Lifeline and Link Up programs. Third, ULTS program benefits are expanded to provide more low-income households with access to affordable basic telephone service. Finally, ULTS program administrative procedures are revised to make the program more efficient and effective. This decision also orders the Telecommunications Division to convene a workshop to develop a comprehensive proposal for using CMRS to provide ULTS. This proceeding is closed.
(Com Neeper - ALJ Kenney)
(Section 311(g)(1))
(Agenda 3033, Item 5, 2/17/00; Agenda 3034, Item H-7, 3/2/00; Agenda 3035, Item H-4, 3/16/00; Agenda 3036, Item H-5, 4/6/00; Agenda 3037, Item H-4, 4/20/00; Agenda 3038, Item H-2, 5/4/00; Agenda 3040, Item H-1, 6/8/00; Req - Commission)
- H-3a ALTERNATE PAGES TO ITEM H-3.** These alternate pages allow CLCs pricing flexibility for ULTS rates.
(Com Bilas)
(Agenda 3040, Item H-1a, 6/8/00; Req - Commission)

H-4**A99-03-065 - Southern California Water Company (SCWC).**

For authority to increase rates for water service in its Wrightwood customer service area. A99-03-066, A99-03-067, A99-03-068 - Related matters. This decision approves a settlement between SCWC and the active parties in this consolidated general rate case proceeding for the Wrightwood, Claremont, Barstow, and Calipatria-Niland districts. A significant part of the rate increase requested by SCWC for all four districts relates to proposed plant additions to meet water quality regulations. This decision defers recognition in rates of these costs pending issuance of new standards by EPA and DOHS for radon and arsenic. These proceedings are closed. The Commission's President at the January 20, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.

(Com Neeper - ALJ Patrick)

(Section 311(d))

(Agenda 3027, Item CA-6, 11/18/99; Agenda 3028, Item H-1, 12/2/99;

Agenda 3029, Item H-1, 12/16/99; Agenda 3031, Item H-3, 1/20/00;

Agenda 3032, Item H-3, 2/3/00; Agenda 3033, Item H-6, 2/17/00; Item

Withdrawn; Agenda 3037, Item 5, 4/20/00; Agenda 3038, Item H-6, 5/4/00;

Agenda 3040, Item H-2, 6/8/00; Req - Commission)

-
- H-5 A98-09-040 - Southern California Water Company (SCWC).**
SCWC seeks authority to introduce single tariff pricing for eight water districts that comprise the company's Region III, located primarily in the Los Angeles area. The region-wide tariff would be phased in over three years and would replace stand-alone rates in the eight districts. The application is opposed by the Ratepayer Representation Branch of the Commission's Water Division as inimical to traditional ratemaking based on cost of service within a district. The proposal, if adopted, would constitute the first time that the Commission has permitted single tariff pricing for non-contiguous water districts. Based on the compelling need for rate relief in some of the smaller districts in the company's Region III, and on the demonstrated minimal impact of single tariff pricing in the other districts of Region III, as well as on the record as a whole, this decision grants the application. However, it directs the Water Division to monitor this pricing practice and to make recommendations for change, if any, at the time of the next general rate case for this region. This proceeding is closed. The Commission's President at the January 20, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.
(Com Duque - ALJ Walker)
(Section 311(d))
(Agenda 3027, Item 3, 11/18/99; Agenda 3028, Item H-8, 12/2/99; Agenda 3029, Item H-5, 12/16/99; Agenda 3031, Item H-4, 1/20/00; Agenda 3032, Item H-4, 2/3/00; Agenda 3033, Item H-7, 2/17/00; Item Withdrawn; Agenda 3037, Item 6, 4/20/00; Agenda 3038, Item H-7, 5/4/00; Agenda 3040, Item H-3, 6/8/00; Req - Commission)
- H-6 I98-03-013 - Investigation on the Commission's own motion into whether existing standards policies of the Commission regarding drinking water quality adequately protect the public health and safety with respect to contaminants such as Volatile Organic Compounds, Perchlorate, MTBE, and whether those Standards and policies are being Uniformly compiled with by Commission regulated utilities.**
This final order in this investigation of water quality finds state requirements adequate and closes this docket. Suggestions in this proceeding for supplemental water quality rules will be the subject of new OIR if workshops fail and further investigation of compliance of one utility is possible. This proceeding is closed.
(Com Duque - ALJ Bennett)
(Section 311(g)(1))
(Agenda 3034, Item 2, 3/2/00; Agenda 3036, Item H-1, 4/6/00; Agenda 3037, Item H-1, 4/20/00; Agenda 3039, Item H-1, 5/18/00; Agenda 3040, Item H-5, 6/8/00; Req - Commission)
-

H-7 R97-10-049 - Order Instituting Rulemaking on the Commission's own motion to set rules and to provide guidelines for the privatization and excess capacity as it relates to investor owned water companies.

This decision holds that the gross revenue sharing proposal put forward by California Water Association fails to sufficiently protect ratepayers. It allows water utilities to submit advice letters to obtain Commission approval of accounting for sales of non-tariffed goods and services. This proceeding is closed.

(Coms Duque/Neeper - ALJ Bushey)

(Section 311(g)(1))

(Agenda 3034, Item 3, 3/2/00; Agenda 3036, Item H-2, 4/6/00; Agenda 3037, Item H-2, 4/20/00; Agenda 3038, Item H-1, 5/4/00; Agenda 3039, Item H-2, 5/18/00; Agenda 3040, Item H-6, 6/8/00; Req - Commission)

H-7a ALTERNATE ORDER TO ITEM H-7. This alternate order approves a process for water utilities to offer non-tariffed products and services that is similar in structure to the method adopted by the Commission in D99-06-021 for Southern California Edison Company. The method allows sharing of gross revenues. Shareholders would receive 90% of gross revenues for active investments and 70% for passive investments. Shareholders would pay all costs. A threshold revenue assumption is also included. This alternate requires advice letters for products and services proposed as active investments.

(Coms Neeper/Duque)

(Agenda 3038, Item H-1a, 5/4/00; Agenda 3039, Item H-2a, 5/18/00; Agenda 3040, Item H-6a, 6/8/00; Req - Commission)

H-8 R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service. I95-04-044 - Related matter.

This decision resolves the issues for which rehearing was granted as prescribed in D99-04-072. The decision concludes that Pacific Bell (Pacific) and GTE California Incorporated (GTEC) have failed to rebut the presumption that their end-user toll aggregation restrictions are unreasonable, and likewise, that they have failed to rebut the presumption that the resale restrictions on Centrex and Centranet service are unreasonable. Pacific and GTEC are directed to file amended tariffs removing these restrictions on the resale of the applicable services within 30 days of the effective date of this decision.

(Com Bilas - ALJ Pulsifer)

(Section 311(g)(1))

(Agenda 3038, Item 1, 5/4/00; Agenda 3039, Item H-6, 5/18/00; Agenda 3040, Item H-8, 6/8/00; Req - Commission)

H-9 A99-07-002 - Southern California Gas Company (SoCalGas).

For authority to continue low-income assistance programs and funding through 2000. A99-07-004, A99-07-011, A99-07-012 - Related matters.

This decision addresses the applications for approval of Program Year 2000 low-income assistance programs submitted by Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and SoCalGas.

(Com Neeper - ALJ Gottstein)

(Section 311(d))

(Agenda 3039, Item 1, 5/18/00; Agenda 3040, Item H-11, 6/8/00; Req - Commission)

H-9a ALTERNATE PAGES TO ITEM H-9. These alternate pages represent text revisions interpreting AB 1393 as it relates to assuring a role for community based organizations in the provision of Low Income Energy Efficiency programs and services, to emphasize a balance among the objectives of CBO participation, maximizing bill and usage savings for low income customers and assuring cost effectiveness for ratepayers. Other revisions include reducing the size of a Pay-for Measured-Savings pilot program from not more than 25 % of treated dwelling units to not more than 10% of treated dwelling units.

(Com Wood)

(Agenda 3040, Item H-11a, 6/8/00; Req - Commission)

H-10 199-04-022 - Order Instituting Investigation into the operations and practices of the Southern California Gas Company (SoCalGas), concerning the accuracy of information supplied to the Commission in connection with its Montebello Gas Storage Facility.

This decision conditionally approves the settlement of this proceeding reached between SoCalGas and the Commission's Consumer Services Division, provided that the settling parties agree to the following two changes. First, the \$3,495,000 voluntary monetary contribution SoCalGas is to make for the benefit of certain organizations should instead be paid to the General Fund of the State of California. Second, SoCalGas should expand the scope of its ethics course to address a utility's ethical obligations in exercising the power of eminent domain. In their comments to the draft decision, the settling parties should indicate whether each change is acceptable to them. The settling parties should address each change separately. If the settling parties do not agree to the changes, the Commission will deny the motion to adopt the settlement. The settling parties are also directed to state in their comments to the draft decision whether tax deductibility was one of the bases for the parties' agreement to the amount of the monetary contribution. If so, and if the settling parties believe that as a result of the changes we impose, the monies would not now be tax deductible, they may recommend a monetary adjustment to the settlement. The Commission can then determine in its final decision whether the entire settlement, including the adjusted amount, is reasonable and in the public interest. This proceeding is closed.

(Com Duque - ALJ Econome)

(Section 311(g)(1))

(Agenda 3040, Item 2, 6/8/00; Req - Commission)

H-11 A99-03-054 - Alisal Water Corp., dba Alco Water Service.

For a determination pursuant to Section 851 of the Public Utilities Code if utility funds obtained in settlement of a lawsuit lawfully may be applied to satisfy a third party judgment lien, for review of judgment, and related matters. This decision addresses the question referred to the Commission by the San Francisco Superior Court and dismisses the remainder of the application and amendment to the application. This proceeding is closed.

(Com Duque - ALJ Vieth)

(Section 311(g)(1))

(Agenda 3040, Item CA-5, moved to Item 10, 6/8/00; Req - Commission)

ORDERS

- 1 **R00-02-004 - Order Instituting Rulemaking on the Commission's own motion to establish Consumer Rights and Consumer Protection Rules applicable to all telecommunications utilities.**
This Supplement to Order Instituting Rulemaking adds all Commission regulated telecommunications utilities as respondents in the proceeding.
(Com Wood - ALJ McVicar)
(Section 311(g)(1))

- 2 **I99-07-001 - Order Instituting Investigation for the purpose of establishing a list for the fiscal years 2000-2001 and 2001-2002 of existing and proposed crossings at grade of city streets, county roads, or state highways in need of separation, or projects effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separations in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.**
This final decision establishes the Priority List of separation and improvement grade crossing projects to be funded in Year 2000-2001 and establishes a process to amend the Priority List for Year 2001-2002 in accordance with the current formula.
(Com Wood - ALJ Bennett)
(Section 311(d))

- ◆3 **C99-08-001 - Airporter, Inc., dba Santa Rosa Airporter vs. Sonoma County Airport Express, Inc., dba Airport Express.**
This decision finds Santa Rosa Airport Express has violated D99-02-068 and imposes a penalty totaling \$83,000. This proceeding is closed.
(Com Neeper - ALJ Rosenthal)

4 A99-09-039 - Qwest Communications Corporations, LCI International Telecom Corp., USLD Communications, Inc., and Phoenix Network, Inc., and U S West Long Distance, Inc. (USW-LD), and U S West Interprise America, Inc. (Interprise).

This decision approves the change of control in USW-LD and Interprise from U S West, Inc. to Qwest Communications International Inc. (Qwest Inc.) conditioned upon specific mitigation measures. These mitigation measures require Qwest Inc. to provide to the Commission's Consumer Services Division (CSD) a contact person or persons accessible by a toll free 800 number to research and resolve within 30 days, informal complaints lodged against Qwest Inc.'s subsidiaries with CSD. Qwest Inc. is also required to comply with certain tracking and reporting requirements for a two year time period following the effective date of this order. This proceeding is closed.

(Com Lynch - ALJ Galvin)

(Section 311(g)(1))

5 A00-01-012 - Covad Communications Company (Covad).

Petition for arbitration of Interconnection Agreement with Roseville Telephone Company (Roseville). This decision affirms the results adopted in the Final Arbitrator's Report, and approves the resulting arbitrated Interconnection Agreement (agreement) between Roseville and Covad. Commission adoption of the arbitrated agreement between Roseville and Covad does not constitute approval of, or precedent regarding, any principle or issue in this proceeding or in any future proceeding. Parties shall each sign the adopted agreement within one day of the date of this order, and shall file the signed agreement within five days of today. This proceeding is closed.

(Com Duque - ALJ Galvin)

UTILITIES RESOLUTIONS AND WRITTEN REPORTS

ENERGY MATTERS

- E-1 Res E-3663 - San Diego Gas & Electric Company (SDG&E).**
This resolution denies SDG&E's request to modify definitions in Tariff Rule 1 which are applicable to Schedules A-V1, A-V2, A-V3 and RTP 2, and Special Conditions 13 and 14 of Schedule RTP-2 which are applicable to interruptible customers.
(Advice Letter 1198-E, filed November 14, 1999)
- E-2 Res E-3621 - Southern California Edison Company (SCE).**
This resolution approves as modified SCE's request to revise its Tariff Rule 18 to add language which allows SCE to provide master-metering for certain non-residential installations when individual utility metering is impractical.
(Advice Letter (AL) 1294-E, filed March 10, 1998; Supplemental AL 1294-E-A, filed January 31, 2000)
(Section 311(g)(1))
(Agenda 3039, Item E-1, 5/18/00; Agenda 3040, Item E-3, 6/8/00; Req - Commission)

TELECOMMUNICATIONS MATTERS

C-1 Res T-16388 - Greenlining Institute (Greenlining), GTE-California (GTEC), Latino Issues Forum (LIF), and the Consumer Services Division (CSD).

This resolution addresses a set of proposed bylaws filed by the Greenlining, GTEC, LIF and the CSD (collectively referred to as "Parties" or "settling parties") to implement a Telecommunications Consumer Protection Fund (Fund). The Fund is to be established for the benefit of limited-English and non-English speaking customers in the service areas most affected by the allegedly abusive marketing practices of GTEC.

(Section 311(g)(1))

(Agenda 3034, Item C-4, 3/2/00; Agenda 3035, Item C-3, 3/16/00; Agenda 3036, Item C-3, 4/6/00; Agenda 3037, Item C-3, 4/20/00; Agenda 3038, Item C-2, 5/4/00; Agenda 3039, Item C-4, 5/18/00; Agenda 3040, Item C-2, 6/8/00; Req - Commission)

C-2 Res T-16404 - This resolution adopts a budget of \$254,139 for the Public Policy Payphone Program for the time period from January 1, 2001 through June 30, 2001 and reduces the surcharge rate to 8 cents per month per pay telephone line.

(Section 311(g)(1))

(Agenda 3039, Item CA-5, 5/18/00; Agenda 3040, Item C-3, 6/8/00; Req - Commission)

WATER MATTERS

- W-1 Res W-4195 - Conlin Strawberry Water Company, Inc. (CSWC).**
This resolution authorizes CSWC's request for a rate decrease of \$10,473 or 7.93%, from interim rates authorized in Res. W-4144, dated April 22, 1999, resulting in a final rate increase of \$18,597 or 18.06%; a refund to customers of \$10,688 due to non-compliance with D96-09-043; and a \$9,655 reduction in Safe Drinking Water Bond Act (SDWBA) surcharge revenue per year approximately for 6.5 years to repay \$64,030 of missing funds in the SDWBA Trust Account.
(Agenda 3039, Item W-1, 5/18/00; Agenda 3040, Item W-1, 6/8/00; Req - Commission)

LEGAL DIVISION MATTERS

LEGISLATIVE MATTERS

- HLEG-1** **AB 995 (Wright) and SB 1194 (Sher)**, related to reliable electric service through prudent investments in the electric distribution grid, energy efficiency, renewable energy, and new technology.
(Agenda 3037, Item LEG-6, 4/20/00; Agenda 3038, Item HLEG-5, 5/4/00; Agenda 3039, Item HLEG-4, 5/18/00; Agenda 3040, Item HLEG-3, 6/8/00; Req - Commission)
- HLEG-2** **AB 2638 (Calderon)**, to amend Sections 330 and 374 of, and to add Sections 454.1 and 9067 to, the Public Utilities Code, relating to public utilities: electrical power.
(Agenda 3039, Item LEG-2, 5/18/00; Agenda 3040, Item HLEG-4, 6/8/00; Req - Commission)
- LEG-1** **AB 1825 (Strom-Martin)**, to amend, repeal, and add Sections 270 and 280 of, and to add and repeal Section 280.5 of the Public Utilities Code, related to rural telecommunications infrastructure.
- LEG-2** **AB 994 (Wright)**, to amend Sections 739.3 and 2890 of, and to add Section 2890.1 to the Public Utilities Code, relating to telephone rates: telephone bills; rural telephone cooperatives.
- LEG-3** **AB 1002 (Wright)**, to add Article 10 (commencing with Section 890) to Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, relating to natural gas: consumption surcharge.

RESOLUTIONS AND MEMORANDUMS

- L-1** **Res L-289** - Disposition of resolution approving disclosure of confidential records of the Consumer Services Division Utilities Safety Branch concerning a November 11, 1998 accident involving Decedent Lawrence H. Cornelius and Pacific Gas and Electric Company in Martinez, California.
- L-2** **Res L-290** - This resolution authorizes disclosure of an accident report by Commission Utilities Engineer Todd Novak pertaining to a gas explosion involving Grady Plumbing at 1945 W. Lake Blvd., Tahoe City, CA, occurred on June 15, 1998. This request was made by Evan D. Williams, Esq., an attorney representing Grady Plumbing in a civil case, *Coleman v. Suburban Propane, et al*, Placer County Superior Court Case No. SCV 9035, pursuant to the Public Records Act.

COMMISSIONERS' REPORTS

MANAGEMENT REPORTS

CLOSED SESSION

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

NON-FEDERAL ITEMS

ORDERS HELD OVER

HEX-1 **Conference with Legal Counsel - Application for Rehearing**
I87-11-033 - Disposition of the joint Application for Rehearing filed by the Office of Ratepayer Advocates (ORA) and The Utility Reform Network of D00-02-047. In this decision, the Commission ordered that the oversight responsibility for the Pacific Bell audit be transferred from ORA to the Telecommunications Division, one of the Commission's advisory units. This audit is to be submitted to the New Regulatory Framework review proceeding.
 (Gov. Code Sec. 11126(e)(2)(B)(i).)
 (Agenda 3040, Item EX-5, 6/8/00; Req - Commission)

HEX-2 **Conference with Legal Counsel - Application for Rehearing**
C97-09-030 - Disposition of Application for Rehearing of D99-12-034 filed by Energy Alternatives (EA). D.99-12-034 denied EA's complaint which claimed that Pacific Gas and Electric Company mismanaged its 1997 Weatherization Program by instituting changes to allow unlimited installation of caulking, allegedly resulting in a change in contract terms, required standards, an erroneous bidding process and increased costs to ratepayers.
 (Gov. Code Sec. 11126(e)(2)(B)(i).)
 (Agenda 3040, Item EX-6, 6/8/00; Req - Commission)

ORDERS

- EX-1 Conference with Legal Counsel – Applications for Rehearing**
Compilation of applications for rehearing recently filed with the Commission. (Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-2 Conference with Legal Counsel – Threatened Litigation**
Significant exposure to litigation. (Gov. Code Sec. 11126(e)(2)(B).)
- EX-3 Conference with Legal Counsel – Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in, litigation. (Gov. Code Sec. 11126(e)(2)(C)(i).)
- EX-4 Conference with Legal Counsel - Application for Rehearing**
R97-01-009, I97-01-010 - Disposition of Application for Rehearing of D00-02-044 filed by Sun Yung Kim, which awarded intervenor compensation in the amount of \$15,200 to Kim for participation in R97-01-009 and I.97-01-010 and her separate contribution to D98-04-059 and D99-02-039. These decisions adopted revisions to the Commission’s intervenor compensation program established pursuant to Public Utilities Code Sections 1801-1812.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-5 Conference with Legal Counsel - Applications for Rehearing**
A96-03-031, A96-04-030 - Disposition of Applications for Rehearing of D99-11-021 filed by California Industrial Group and California Manufacturers Association (jointly, CIG/CMA); Southern California Generation Coalition; and Southern California Edison Company, and a related motion filed by Southern California Gas Company (SoCalGas) regarding its petition for modification of this decision. D99-11-021 involves the 1996 BCAP Decision for SoCalGas (D97-04-082), and the limited rehearing of this decision granted in D98-07-100 concerning the appropriate cost allocation for costs resulting from SoCalGas’ relinquishments (or “stepdowns”) of interstate natural gas pipeline capacity on both the El Paso and Transwestern pipelines. D99-11-021 also resolves the allocation issue surrounding the stepdowns of Pacific Gas and Electric Company and other shippers on El Paso.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

- EX-6** **Conference with Legal Counsel-Application for Rehearing**
Resolution E-3654 - Disposition of Application for Rehearing filed by Pacific Gas and Electric Company (PG&E). The Resolution approved the extension of PG&E's ED Schedule.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-7** **Conference with Legal Counsel-Applications for Rehearing**
C99-07-005 - Disposition of Applications for Rehearing of D00-04-025 filed by Samuel Anderson, PRO Engineering and Oasis Nuclear, Inc. D00-04-025 dismissed applicants' complaint against Pacific Gas and Electric Company for failure to state a claim upon which the Commission should grant relief. Applicants' complaint had alleged violations of General Order 156 and Public Utilities Code Sections 8281 through 8286, provisions governing the Women, Minority, and Disabled Veterans Business Enterprises program.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-8** **Conference with Legal Counsel-Applications for Rehearing**
C99-09-024 - Disposition of the joint Applications for Rehearing of D00-04-004 filed by California Personnel Resources and Clarence A. Hunt, Jr. (Applicants). In this decision, the Commission dismissed the complaint of the Applicants against Pacific Gas and Electric Company. The complaint alleged violations of General Order 156 regarding Women, Minority, and Disabled Veterans Business Enterprises. The complaint was dismissed for failing to state sufficient facts for a viable claim.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

FEDERAL ITEMS

- FEX-1 Conference with Legal Counsel – Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in,
federal agency or court proceedings. (Gov. Code Sec. 11126(e)(2)(C)(i).)
- FEX-2 Conference with Legal Counsel - Existing Litigation**
In the Matter of Numbering Resources Optimization, **FCC Docket 99-200.**
(Gov. Code Sec. 11126(e)(2)(A).)
- FEX-3 Conference with Legal Counsel - Existing Litigation**
Amoco Energy Trading Corporation, et. al. v. El Paso Natural Gas
Company, **FERC Docket No. RP99-507-000.**
(Gov. Code Sec. 11126(e)(2)(A).)

**SUBSCRIPTION NOTICE FOR AGENDA
AND
DRAFT AGENDA ITEMS**

If you wish to subscribe to the *agenda*, please send your request with a check payable to the Public Utilities Commission; Attention: Poly Arca, Room 1003; 505 Van Ness Avenue; San Francisco, CA 94102; or by calling (415) 703-1798. The cost for a one-year subscription to the agenda is \$75.

If you wish to receive *draft agenda items*, please send your request with a check payable to the Public Utilities Commission; Attention: Poly Arca, Room 1003; 505 Van Ness Avenue; San Francisco, CA 94102; or by calling (415) 703-1798. The cost for a one-year subscription to the entire public agenda package (which excludes Executive session materials) is \$1000. The cost for energy agenda items only or telecommunication agenda items only is \$500 per year. The package you receive via mail will include only those agenda items available at the time of the agenda distribution date, which is usually 10 to 12 days prior to the Commission meeting. If agenda items (including revisions) are not ready on the distribution date, they will be made available at no charge in the lobby outside the Commission Auditorium at 9:00 a.m. on the morning of the Commission meeting, but not earlier. In addition, the Commission will make draft agenda items available for viewing and photocopying (at 20 cents per page) at the Commission's Central Files Office (Room 2002), 505 Van Ness Avenue, San Francisco, and in the Commission offices in Los Angeles, San Diego, and the following field offices: El Centro, Sacramento, and San Bernardino. Since the agenda package will be mailed to these locations, it will be available at these locations a day or two after the distribution date. These locations will not receive agenda items that are not ready on the distribution date.

Those intervenors who have financial hardship determination pending or granted shall be eligible to receive draft agenda item packets at no charge.